

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LUCAS BOWEN HAGGERTY,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JASON STEVEN HAGGERTY,

Respondent-Appellant.

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UNPUBLISHED

November 21, 2006

No. 269826

Oakland Circuit Court

Family Division

LC No. 05-712273-NA

Before: White, P.J. Zahra, and Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights under MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant pleaded no contest to the allegations in the petition for permanent custody, which alleged severe domestic violence against the child's mother, that she was pregnant with the minor child during some of the violence, that her older children were present at times during the domestic violence, and that respondent-appellant pleaded guilty to aggravated domestic violence and attempted first-degree criminal sexual conduct. The matter was set for a best interests hearing and respondent-appellant's psychological evaluation was admitted into evidence.

Respondent-appellant does not challenge the trial court's finding that subsections (g) and (j) were established by clear and convincing evidence but argues that the trial court erred in its best interests determination because he never injured the minor child or any of the children and was only violent toward their mother. This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). Clear error has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *Id.* at 344; MCL 712A.19b(5).

The trial court did not clearly err in its best interests determination where respondent-appellant committed extremely violent acts against the mother of the minor child in the presence of her children, where respondent-appellant's psychological evaluation recommended that he not have contact with any children or his wife, and where there was no strong bond between respondent-appellant and Lucas.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Kirsten Frank Kelly